



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,290	09/08/2004	Ashish Gupta	03292.102070.	5289
66569 7590 10/03/2008 FITZPATRICK CELLA (AMEX) 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
EXAMINER				
EBERSMAN, BRUCE I				
ART UNIT		PAPER NUMBER		
3691				
MAIL DATE		DELIVERY MODE		
10/03/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/711,290

Applicant(s)

GUPTA, ASHISH

Examiner

BRUCE I. EBERSMAN

Art Unit

3691

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date 5/30/07
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claims 1-25 presented for examination. On 7/25/08, applicant filed an amendment, amending claims 1,9-11,13,15-20,22-23. In light of the applicant's amendment, the examiner withdraws the rejection of claims 1,9,22 and related dependent claims. However, new grounds of rejection are established for claims 1,9,25 and dependents in light of amendments to the claims. As such the following is a Final Rejection of the claims.

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 9-21 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Independent claim 9, (and related dependents) drawn to and system for processing transactions (9) which do not clearly distinguish itself as requiring the use of computers and hardware.

Applicant has amended claim 9 to recite a computer system in the preamble. The claim now satisfies the concern that the invention is not directed to software which is not a statutory class. However, the body of the claim should be consistent with the preamble in that the system should be identified as a computer system in the body of the claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 4,15,20-25 rejected under 35 U.S.C. 103(a) as being unpatentable over Weichert in view of US Patent Application Publication to Topping 20040151353

As per claim 1, Weichert discloses;

establishing a first transaction account and a second transaction account, wherein said first and second transaction accounts are associated with first and second transaction account identifiers, respectively; (0029)

associating said first and second transaction account identifiers with a common account identifier; (0004, 0032, and 0106)

receiving, at a transaction processing system, said common account identifier; (0029-0032)

recognizing said common account identifier as being associated with more than one account; (0029-032)

determining, based on selection criteria, at least one of said first and second transaction accounts to access for processing said transaction, resulting in a selected transaction account; (0029-32)

accessing said selected transaction account based on said determining step; and
(0029-32)

processing the transaction via said selected transaction account. (0032)

biometric identification and pin numbers for multiple account access. (0072)

Weichert does not explicitly disclose;

wherein said selection criteria include at least one of a plurality of biometric input identifiers respectively corresponding to said first and second transaction accounts, and a plurality of personal identification numbers respectively corresponding to said first and second transaction accounts. (in summary, Weichert does not explicitly disclose direct

association of 1 biometric with one account and a second with a second account in parallel with 2 pin numbers. While the examiner believes that one of ordinary skill in the art could modify Weichert to accommodate dual accounts and biometrics, Topping is being introduced to clearly anticipate the multiple biometric functionality.

Topping teaches; the concept of linking biometric indicators to specific functions on a computer, one for internet, one for system access (0032) and further an example where each TV channel could be allocated to a different fingerprint (biometric). (0034)

It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to combine the disclosures of Weichert with the biometric teachings of Topping for the motivation of adapting fingerprinting technology (0004) to security.

As per claim 3, Weichert discloses; the step of replacing said common account identifier with one of said first and second transaction account identifier associated with said

selected transaction account during at least one of the accessing and processing steps. (0032, Weichert allows the use of either a common account number or can work with the account number of one account)

As per claim 5, Weichert discloses said common account identifier is identical to at least one of said first and second transaction account identifiers. (0071) (various methods are disclosed, including where a user card could also be the id mechanism which triggers the ability to select other accounts).

As per claim 6, Weichert discloses a user associating a common account identifier with said first and second transaction accounts. (032, 036-7, user can configure accounts as desired)

As per claim 7, Weichert discloses; selection criteria may be modified by a user of said first and second transaction accounts. (029-32, various methods of selection are disclosed)

As per claim 8, Weichert discloses; a settlement process comprising the steps of: processing a request for payment to said merchant when said merchant submits a settlement record (067) associated with said common account identifier; (032) recording transactions processed as settlement records in a settlement table; and

paying said merchant. (067)

As per claim 9, Weichert discloses;

a first transaction account associated with a first transaction account identifier; (0030)
a second transaction account associated with a second transaction account identifier,
wherein said first (0030) and second transaction accounts are associated with a
common account identifier; and (0030)

a selection system configured to determine, based on selection criteria in substantially
real time, which one of said first and (0030)

said second transaction accounts to access during a financial transaction(0030)

Weichert does not explicitly disclose;

wherein said selection criteria include at least one of a plurality of biometric identifiers
respectively corresponding to said first and second transaction accounts, and a plurality
of personal identification numbers respectively corresponding to said first and second
transaction accounts.

Topping teaches;

wherein said selection criteria include at least one of a plurality of biometric identifiers
respectively corresponding to said first and second transaction accounts, and a plurality
of personal identification numbers respectively corresponding to said first and second
transaction accounts. (0032, 0034)

It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to combine the disclosures of Weichert with the biometric teachings of Topping for the motivation of adapting fingerprinting technology (0004) to security.

As per claim 10, Weichert discloses; first and second transaction accounts each includes at least one of a credit account, debit account, loyalty account, phone card account and a stored value account. (041, credit and debit, claim 9 stored value)

As per Claim 11, Weichert discloses; said first and second transaction accounts each includes at least one of a credit account, debit account, loyalty account, phone card account and a stored value account, and wherein one of said first and second transaction accounts is represented by a physical instrument having associated therewith indicia representing said common account identifier. (0041,0071)

As per claim 12, Weichert discloses; wherein the common account identifier is the first transaction account identifier. (032, enabler stores a number of payment accounts, including the payment account)

As per claim 13, Weichert discloses; the common account identifier is the first transaction account identifier, and wherein said first transaction account includes a credit account. (0032, 0041, credit debit)

As per claim 14, Weichert discloses; at least one of said first transaction account identifier, said second transaction account identifier and said common account identifier is associated with a transaction card. (transaction card (032)

As per claim 16, Weichert discloses; said selection criteria include at least one of transaction specific input based criteria and default criteria. (029-32), default – (029), specific, (030-31)

As per claim 17, Weichert discloses; selection criteria include at least one of transaction specific input based criteria and default criteria, (030-criteria) and wherein said transaction specific input based criteria include at least one, of prompts at an ATM, and prompts at a point of sale terminal (pos). (032, POS, prompts)

As per claim 18, Weichert discloses; selection criteria comprise at least one of transaction specific input based criteria and default criteria, and wherein said default criteria comprise at least one of owner selected rules and card provider rules. (0110, user rules, 0108-default criteria, determine if balance is sufficient)

As per claim 19, Weichert discloses; [Claim 1 9] The system of claim 9, wherein said selection criteria include at least one of transaction specific input based criteria and default criteria, and wherein said default criteria include at least one of minimum fund

amount rules, maximum fund amount rules, type of transaction rules, and type of merchant rules. (minimum balance rules 0107)

3. Claims 2, 4, 15, 20-25 rejected under 35 U.S.C. 103(a) as being unpatentable over Weichert in view of Topping, and further in view of US Patent Application Publication to Blagg, 2004/0049452

As per claim 2; Weichert discloses; comprising the step of sending one bill to an account holder associated with said common account identifier, (0058 Weichert, billing) Weichert (058) and Topping do not explicitly disclose consolidated billing. Blagg teaches wherein said bill reporting information relates to both of said first and second transaction accounts. (0068) in a multiple credit line presentation instrument. It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to combine the billing disclosures of Weichert with the consolidated billing of Blagg for the motivation of simplifying the life of a user while facilitating the use of multiple accounts with the same card. (0004)

As per claim 4, Weichert discloses;
recognizing said common account identifier as being associated with more than one account; (0030-2)
determining, based on said selection criteria, at least one of said first and second

transaction accounts to access for processing said transaction, resulting in a selected transaction account;(0030-1)

accessing said selected transaction account system based on said determining step(0030-1);

Weichert and Topping do not explicitly disclose;

receiving a reconciliation file including said common account identifier and processing the reconciliation file via a system associated with said selected transaction account.

Blagg teaches capability to settle accounts as a group or separately (0073) and consolidated billing (068) which would include; receiving a reconciliation file including said common account identifier; processing the reconciliation file via a system associated with said selected transaction account. (0073) It would therefore have been obvious ton one of ordinary skill in the art at the time of the invention to combine the multiple account disclosures of Weichert with the separate or combined settlement of consolidated accounts of Blagg for the motivation of allowing account holders to enjoy the convenience of multiple accounts with one card or device. (0004)

As per claim 15, Weichert discloses;

first transaction account includes a credit account (0030-2), could be either debit or credit) and said second transaction account includes a stored value account, (0030-2) (could be either) and wherein one of said first and second transaction accounts is represented by a physical instrument (0106) having associated therewith indicia representing said common account identifier,

Weichert and Topping do not explicitly disclose a first accounting being a credit card and the second account being shared value.

Blagg teaches a variety of combinations (0037) for the purpose of meeting customer needs. It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to combine the multi account disclosures of Weichert with the account choice teachings of Blagg for the motivation of user convenience, (0004)

As per claim 20, Weichert discloses; criteria comprise at least one of transaction specific input based criteria and default criteria, and Weichert (059, variety of different prioritization schemes) Weichert further discloses accessing a second account if the first account is inadequate (0029)

Weichert and Topping do not explicitly disclose accessing stored value card first and credit card second.

Blagg teaches;

a variety of payment methods and default criteria are anticipated (037,52, 55). It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to combine the multi account disclosures of Weichert with the multiple criteria of Blagg for motivation of customer convenience. (0004)

As per claim 21, Weichert and Blagg do not explicitly disclose; a single billing statement

is presented showing information about transactions on the credit card account and the stored value account.

Blagg teaches a single billing statement is presented showing information about transactions on the credit card account and the stored value account. It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to combine the disclosure of Weichert related to multiple accounts with the multiple billing of Blagg for the motivation of customer convenience. (0004)

As per claim 22, Weichert discloses;

receiving transaction request information from a cardholder via a remote terminal, wherein said request includes a common transaction account identifier; and
(0004,0030,0106)

processing said common transaction account identifier to determine based on selection criteria which cardholder transaction accounts are associated therewith, (0030-2)

Weichert does not explicitly disclose;

wherein only one of said card holder transaction accounts includes a credit card account.

and wherein said selection criteria include at least one of a plurality of biometric input identifiers respectively corresponding to said first and second transaction accounts, and a plurality of personal identification numbers respectively corresponding to said first and second transaction accounts.

Toppings teaches;

and wherein said selection criteria include at least one of a plurality of biometric input identifiers respectively corresponding to said first and second transaction accounts, and a plurality of personal identification numbers respectively corresponding to said first and second transaction accounts. (0032,34)

It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to combine the disclosures of Weichert with the biometric teachings of Topping for the motivation of adapting fingerprinting technology (0004) to security.

Weichert and Topping do not explicitly disclose;

wherein only one of said card holder transaction accounts includes a credit card account.

Blagg teaches a variety of combinations of cards which would include the combination where (0037) wherein only one of said card holder transaction accounts comprise a credit card account. It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to combine the multiple account linkage disclosures of Weichert with the variety of accounts of Blagg to create a linked account where only one credit card was used for the motivation of convenience to the customer who might require only a specific set of choices such as 1 credit card and other cards(0004)

As per claim 23, Weichert discloses; 23] The process of claim 22, wherein another of said card holder transaction accounts includes a stored value account. (039-041)

As per claim 24, Weichert discloses; wherein at least one of said cardholder transaction accounts is an external transaction account. (032 and 044, no limitations on types of accounts is disclosed)

As per claim 25, Weichert discloses; The process of claim 22, wherein said remote terminal is a card reader. (0049)

Response to Arguments

Claims 1-25 presented for examination. On 7/25/08, applicant filed an amendment, amending claims 1,9-11,13,15-20,22-23. In light of the applicant's amendment, the examiner withdraws the rejection of claims 1,9,22 and related dependent claims. However, new grounds of rejection are established for claims 1,9,25 and dependents in light of amendments to the claims. As such the rejection of the claims as detailed in the section above is a Final Rejection of the claims.

4. Applicant's amendment relative to 35 USC 101 requires more specific hardware disclosure in the body of the independent claims.
5. Applicant's arguments with respect to claim 1-25 have been considered but are moot in view of the new ground(s) of rejection.

6. In regards to rejection of applicant's claims pursuant to 35 USC103 as a result of applicant's addition of biometric capacities to the claims. The examiner notes that the added reference, Topping teaches biometric capabilities.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **BRUCE I. EBERSMAN** whose telephone number is (571)270-3442. The examiner can normally be reached on 630am-5pm, Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alexander Kalinowski/
Supervisory Patent Examiner, Art Unit 3691

Bruce I Ebersman
Examiner
Art Unit 3691
